



IFW

Attorney Docket No. T7611.DIV2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: JOHN T. FORBIS et al.)
TITLE: FENCE SYSTEM WITH)
VARIABLE POSITION RAIL)
SERIAL NO.: 10/814,432) CERTIFICATE UNDER 37
FILED: March 30, 2004) C.F.R. § 3.73(b) TO
EXAMINER: _____) ESTABLISH RIGHT OF
ART UNIT: _____) ASSIGNEE TO TAKE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

To establish its right to take action before the Office in the above-captioned matter, Kroy Building Products, Inc. certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. [X] An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel

Certificate of Deposit Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 16 day of August, 2004.


Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

_____, Frame _____, or for which a copy thereof is attached.

B. [] A chain of title from the ***[inventor(s)/applicant(s)]*** of the ***[patent/trademark application]*** identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

C. [X] Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and

belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 9th day of June, 2004.

Kroy Building Products, Inc.

By 
Mike Fahey
Vice President of Operations

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P A T E N T & T R A D E M A R K O F F I C E
J C 24Form PTO-1595
(Rev. 03/01)
OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

PATENTS ONLY

Tab settings → → →

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

John T. Forbis, Randy Quaintance, and
Ronald R. WestAdditional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: 11 Mar 99

2. Name and address of receiving party(ies)

Name: Kroy Building Products, Inc.

Internal Address: _____

Street Address: P.O. Box 636

City: York State: NE Zip: 68467

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 11 Mar 99

A. Patent Application No.(s) _____

B. Patent No.(s) _____

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Karl R. Cannon

Internal Address: Clayton, Howarth & Cannon, PC

Street Address: P.O. Box 1909

City: Sandy State: UT Zip: 84091

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

50-0836

9. Signature.

Karl R. Cannon

Name of Person Signing



Signature

March 30, 2004

Date

Total number of pages including cover sheet, attachments, and documents: 6

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

WHEN RECORDED RETURN TO:

CLAYTON, HOWARTH & CANNON, P.C.
P.O. Box 1909
Sandy, Utah 84091-1909

PATENT APPLICATION
ATTORNEY DOCKET NO. T7611

ASSIGNMENT

WHEREAS, JOHN T. FORBIS, RANDY QUAINTEANCE and RONALD R. WEST, citizen(s) of the United States of America having post office addresses of P.O. Box 636, York, Nebraska 68467, P.O. Box 636, York, Nebraska 68467 and 2230 North University Parkway, Suite 1-B, Provo, Utah 84604 have invented a method and apparatus entitled FENCE SYSTEM WITH VARIABLE POSITION RAIL, hereinafter called the "invention," preferred embodiments of which are disclosed in a United States patent application executed on 09/232,118 and identified as File No. T7611 of the law firm CLAYTON, HOWARTH & CANNON, P.C., P.O. Box 1909, Sandy, Utah 84091-1909.

WHEREAS, assignee KROY BUILDING PRODUCTS, INC., a Delaware corporation, organized and existing under the laws of the State of Delaware, with a post office address of P.O. Box 636, York, Nebraska 68467, is desirous of acquiring the entire right, title and interest in the invention;

NOW THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration paid to us by the Assignee, the receipt and sufficiency of which is hereby acknowledged, WE HEREBY ASSIGN(S) TO THE ASSIGNEE:

The entire right, title and interest in said invention in the above-identified United States patent application and in all divisions, continuations and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted

hereon, and in all corresponding applications filed in countries foreign to the United States, and in all patents issuing thereon in the United States and Foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such applications.

We hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behoof of the said Assignee, its successors, assigns and legal representatives.

We hereby agree, without further consideration and without expense to us, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of us to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of our ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

This assignment and agreement shall be binding upon our heirs and legal representatives.

Executed this 11 day of March, 1999 at
York, Ne.
(City) (State).

John T. Forbis

John T. Forbis

STATE OF Nebraska, : ss.
COUNTY OF York ;

On March 11, 1999 before me personally appeared John T. Forbis, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

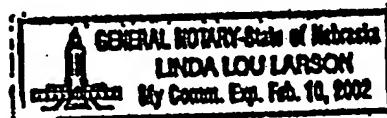
Linda Lou Larson

NOTARY PUBLIC

Residing at York, NE.

My Commission Expires:

Feb. 10, 2002



Executed this 11 day of March, 1999 at
York, Nebraska
(City) (State)

Randy Quaintance
Randy Quaintance

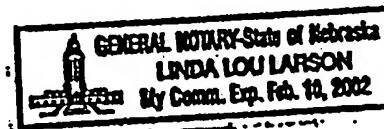
STATE OF Nebraska, : ss.
COUNTY OF York ;

On March 11, 1999, before me personally appeared Randy Quaintance, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

Linda Lou Larson
NOTARY PUBLIC
Residing at York, NE,

My Commission Expires:

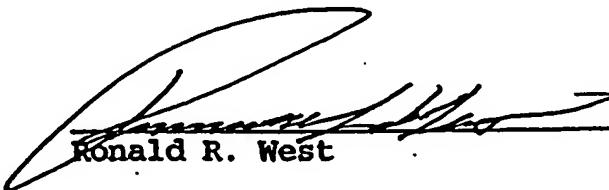
Feb. 10, 2002



Executed this 10 day of MARCH, 1999 at

Sandy
(City)

UTAH
(State)


Ronald R. West

STATE OF Utah)
COUNTY OF Salt Lake ; ss.

On March 10, 1999, before me personally appeared Ronald R. West, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

Charlie J. Wray
NOTARY PUBLIC
Residing at 10150 S. Centennial Pkwy.

My Commission Expires:

Sept. 24, 2002

Assign

